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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,836	10/12/2001	Charles Eric Hunter	05001.1010	2310

23377 7590 08/16/2005
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EXAMINER

NGUYEN, CUONG H

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/976,836	Applicant(s) HUNTER ET AL.	
	Examiner CUONG H. NGUYEN	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/18/05 (the RCE).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This Office Action is the answer to the RCE received on 3/18/2005.
2. Newly added claims 31-50 are pending in this application. Original claims 1-30 are canceled.

Response:

3. Since the applicants submit all new claims, and canceling original claims 1-30, new ground(s) of rejections are provided herein; the arguments for previous ground(s) of rejections are moot.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

35 U.S.C. § 102(e), as revised by the AIPA and H.R. 2215, applies to all qualifying references, except when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. For such patents, the prior art date is determined under 35 U.S.C. § 102(e) as it existed prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. § 102(e)).

4. **Claims 31, 39-41, and 50 are rejected under 35 U.S.C. § 102(e) as being anticipate by Diamond et al. (US Pat. 6,698,653),**

Diamond et al. teach a system and a method of use a smart-card for speedy checking/ID verification (i.e., avoiding redundant steps in check-in procedure), comprising “CyberID FASTLITE@ Process Flow” (see Diamond et al., Fig.9):

an interface allowing an individual to order a security clearance (i.e., a number of check-in stations 50, 51) (see Diamond et al., Fig.5); and

a check-point (see Diamond et al., Fig.6 refs.71 and 81); to which the verification is routed, wherein the verification occurs before the arrival of the individual at the check-point (see Diamond et al., col.8 lines 13-21; wherein Diamond et al. teach about a smart-card is used for matching check-in's information).

- Diamond et al. also teach about providing to an individual a verification of the individual's identity via an interface (i.e., see Diamond et al., a monitor display results in Fig.5, ref. 66); and providing the verification to a check-in location (i.e., providing a result after a process of matching in steps 72-74 of Fig.6, wherein the verification is performed before the arrival of the individual at the check-in location (see Diamond et al., col.8 lines 13-21; wherein Diamond et al. teach about a smart-card is used for matching check-in's information).

- As to claims 39, and 40: Diamond et al. teach about using facial image captures as extra security measure at an airport check-point (see Diamond et al., Fig.2 ref.20).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 32-38, and 42-49 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Diamond et al. (US Pat. 6,698,653), in view of Musgrave (US Pat. 6,105,010).

The rationales & reference for a rejection of claim 31 are incorporated.

A. As to claims 42, 33, 36, 44, and 46:

Diamond et al. do not disclose about assigning a clearance level/code.

However, Musgrave suggests about using/producing a “security level code” for verification, this code represents an individual risk rating (see Musgrave., col.4 lines 6-8).

B. As to claims 32, and 43:

Diamond et al. do not disclose that the interface is a telephone system.

However, Musgrave suggests that idea (see Musgrave, Fig.1) “the biometric certifying authority management system and method include a biometric certifying authority (BCA) manager 10 operatively connected to a transaction requester 12, for example, via telephone lines, Internet connections, wireless communication channels including satellite channels, etc.”.

C. As to claim 34:

The examiner submits that Diamond et al.’s computer at an initial check-in point is able to generate a random multi-digit code.

D. As to claims 35, and 45:

The examiner respectfully submits that Diamond et al.’s configuration on Fig.5 can be used in different check-in points because data are readily available through airport networks.

E. As to claims 37-38: The examiner respectfully submits that Diamond et al.'s configuration on Fig.5 includes a generator/computer to check an individual based on the individual's personal information (e.g., name, telephone number, or original country). Further, FBI/CIA feed necessary data to national airport networks about an updated terrorist list (i.e., an airport receives that information from a third party).

F. As to claim 49: The examiner respectfully submits that Diamond et al.'s suggest a stream-lined verification to minimize a security measure performed at the check-point upon the individual's arrival (e.g., reducing a presence of security forces (National Guard) at a check-in gate).

G. As to claims 39, and 40: Diamond et al. teach about using facial image captures as extra security measure at an airport check-point (see Diamond et al., Fig.2 ref.20).

H. As to claims 47, and 48: Diamond et al. also teach about using facial image captures as extra security measure at an airport check-point (see Diamond et al., Fig.2 ref.20).

It would have been obvious to one of ordinary skill in the art at the time of invention was made to use Musgrave's idea about using a security level code, an interface could be a telephone system, and above claimed limitations in Diamond et al.'s system for the benefit of providing an extra level of security check at the airport, streamlining a check-in process, also providing a flexible and well-known means of/(step of use) information input because these are familiar (daily activities) with a user.

Conclusion

6. Claims 31-50 are not patentable.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-

272-6759. The examiner can normally be reached on 7:30 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6759.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.



CUONG H. NGUYEN
Primary Examiner
Art Unit 3661